

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 14, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHRISTOPHER EDWARD GEORGE
BRAIDWOOD,

Plaintiff,

v.

MICHAEL JAMES EDWARD CORYER,
Defendant.

No. 4:23-CV-05016-SAB

**ORDER DISMISSING CASE
FOR LACK OF JURISDICTION**

Before the Court is *pro se* Plaintiff's Complaint, ECF No. 1. As the federal courts are courts of limited jurisdiction, *Home Depot USA, Inc. v. Jackson*, ___ U.S. ___, 139 S. Ct. 1743, 1746 (2019), the Court finds it necessary to consider whether it has subject matter jurisdiction over this action. *Snell v. Cleveland, Inc.*, 316 F.3d 822, 826 (9th Cir. 2002). If the Court determines it lacks subject matter jurisdiction, it lacks authority to hear the case and the action must be dismissed. *See Union Pac. R.R. Co. v. Bhd. of Locomotive Eng'rs & Trainmen Gen. Comm. of Adjustment*, 558 U.S. 67, 81 (2009).

Congress granted federal courts jurisdiction over two general types of cases. *Jackson*, 139 S. Ct. at 1746. First, federal courts may hear cases that arise under federal law pursuant to 28 U.S.C. § 1331, which are known as federal-question jurisdiction cases. *Id.* Second, federal courts may hear cases in which the amount

1 in controversy exceeds \$75,000 and there is diversity of citizenship among the
2 parties pursuant to 28 U.S.C. § 1332, known as diversity jurisdiction cases. *Id.*

3 Plaintiff claims the Court has federal-question jurisdiction over this action.
4 A case arises under federal law either where federal law creates the cause of action
5 or where the vindication of a right under state law necessarily turns on some
6 construction of federal law. *Franchise Tax Bd. v. Construction Laborers Vacation*
7 *Trust*, 463 U.S. 1, 8–9 (1983). The federal question must be evident from the face
8 of the plaintiff’s complaint. *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392
9 (1987). In this case, the Complaint merely alleges “fraud” and does not present any
10 federal questions. Civil fraud claims do not arise under federal law and, without
11 more, the Court lacks federal-question jurisdiction.

12 Plaintiff does not assert the Court has diversity jurisdiction. Nonetheless, the
13 Court finds diversity jurisdiction is absent. 28 U.S.C. § 1332 requires that the
14 amount in controversy exceed \$75,000. To determine if the amount in controversy
15 requirement is met, courts look to the amount demanded by the plaintiff in the
16 complaint. *See St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 291–92
17 (1938). Here, Plaintiff’s Complaint only requests damages in the amount of
18 \$28,812. Therefore, the amount in controversy is not met and the Court lacks
19 diversity jurisdiction.

20 While *pro se* plaintiffs should generally be granted leave to amend, leave to
21 amend should not be granted where it appears amendment would be futile. *Noll v.*
22 *Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987). The Court finds leave to amend
23 would be futile in this case. Since this matter must be dismissed for want of
24 jurisdiction, the Court denies all pending motions as moot.

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Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Motion for Appointment of Pro Bono Counsel, ECF No. 8, is **DENIED, as moot.**

2. Plaintiff's Motion for Default Judgment, ECF No. 9, is **DENIED, as moot.**

3. The above-captioned case is **DISMISSED, with prejudice**, for lack of subject matter jurisdiction.

4. The Clerk of Court is directed to **CLOSE** the file.

IT IS SO ORDERED. The District Court Clerk is hereby directed to file this Order and provide a copy to *pro se* Plaintiff.

DATED this 14th day of April 2023.



A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

Stanley A. Bastian
Chief United States District Judge